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TO RUEHC/SECSTATE WASHDC 0220
INFO RUEHAK/AMEMBASSY ANKARA 0009
RUCNFRG/FRG COLLECTIVE
RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RHMFIUU/DEPT OF JUSTICE WASHINGTON DC
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RUEHDF/AMCONSUL DUSSELDORF 0236

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SIPDIS

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SUBJECT: FORMER PKK LEADER IN GERMANY SENTENCED TO PRISON TERM

REF: DUSSELDORF 0017

¶1. (U) Former Kurdish Workers' Party (PKK) leader for Germany, Hueseyin Acar (aka Hueseyin Colak), was sentenced on July 31 to three years and nine months in prison on charges of leadership of a criminal organization and coercion by the Higher Regional Court in Duesseldorf. The coercion charges referred to threatening the life of a young Kurdish woman if she did not terminate a pregnancy from a relationship with a PKK functionary in Germany. The penalty corresponded to what the defense had requested, while the prosecution had asked for only three months longer. The maximum sentence for both charges is five years in prison.

¶2. (U) The trial against Acar (48), who had been in pre-trial detention since his arrest in July 2008, opened on April 27, 2009 (reftel). During the 13 days of court hearings, it was established (mostly through evidence gained through electronic surveillance of Acar's cell phones) that he was in charge of the PKK's district organization in Southern Germany in spring 2007, and later on was the PKK's leader for Germany as a whole from June 2007 to April 2008. In a two-and-a-half-hour statement after the pronouncement of the judgment, presiding judge Lutz Braunhoehler gave the reasons for the court's decision, praising the factual, non-confrontational atmosphere during the trial that made it possible to conclude it earlier than scheduled. He pointed out that the PKK is a banned criminal organization in Germany (since 1993), systematically engaged in committing crimes, such as organizing illegal entries into Germany, forging of documents, tax evasion, coercion, bodily injury and deprivation of liberty in connection with collecting funds and forced donations.

¶3. (U) The court saw more mitigating than aggravating circumstances in arriving at what Braunhoehler called a "sufficient, but necessary sentence." The only aggravating factor was the coercion of the Kurdish woman to terminate her pregnancy. (She is still in a witness protection program to protect her from PKK threats.) Among the mitigating circumstances Braunhoehler cited the fact that Acar had already spent more than 20 years in prison in Turkey, where he was sentenced to death for membership in the PKK in 1981 (later commuted to 40 years in prison) and most likely tortured and consequently traumatized. In addition, Acar's partial confession helped accelerate the trial, and when he was arrested he was no longer in a PKK leadership function, Braunhoehler said.

¶4. (SBU) Acar has the right to appeal the sentence within one week before the Federal Court of Justice in Karlsruhe, but a well informed source at the Duesseldorf court told us that this would be highly unlikely, not only because the defense got what it requested, but especially because of the current PKK tactic of avoiding anything that would draw the public's attention in Germany to the criminal nature of the PKK.

¶5. (U) This message was coordinated with Embassy Berlin.

GROSSMAN